

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

TRISTRATA TECHNOLOGY, INC. )

Plaintiff, )

v.  
PURAC AMERICA, INC. )

Defendant. )

Civil Action No. 06-653 (JJF)

Jury Demanded

**STIPULATION OF DISMISSAL**

Pursuant to Rule 41(a) of the Federal Rules of Civil Procedure, the parties to this action, through their respective undersigned counsel, hereby stipulate and agree that this action is dismissed with prejudice and without costs, with the exception that in the event of default, the non-defaulting party may bring suit (a) for relief under the parties' settlement agreement, and (b) for damages that would have been recoverable in the action that is dismissed pursuant to this Stipulation of Dismissal. This Court shall retain jurisdiction for purposes of enforcing the parties' settlement agreement and the terms of this Stipulation of Dismissal.

CONNOLLY BOVE LODGE & HUTZ LLP	RICHARDS LAYTON & FINGER PA
<u>/s/ Arthur G. Connolly, III</u>  Arthur G. Connolly, III (#2667) The Nemours Building 1007 North Orange Street P.O. Box 2207 Wilmington, DE 19899 (302) 658-9141  Attorneys for Plaintiff Tristrata Technology, Inc.	<u>/s/ Steven J. Fineman</u>  Jeffrey L. Moyer(#3309) Steve J. Fineman(#4025) One Rodney Square 920 North King Street Wilmington, DE 19801 (302)651-7700  Attorneys for Defendant Purac America, Inc.

SO ORDERED this \_\_\_\_\_ day of \_\_\_\_\_, 2008

\_\_\_\_\_  
United States District Judge